

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF GRINNELL,	)	
Public Employer,	)	
	)	
and	)	CASE NO. 4582
	)	
PUBLIC PROFESSIONAL & MAINTENANCE	)	
EMPLOYEES, IBPAT LOCAL 2003,	)	
Certified Employee	)	
Organization/Petitioner.	)	

PROPOSED DECISION AND ORDER

Charles E. Boldt, Administrative Law Judge. On November 8, 1991, the Public Professional & Maintenance Employees, IBPAT Local 2003 (PPME or Union) filed a Petition for Amendment of Bargaining Unit pursuant to Section 13 of the Public Employment Relations Act (Act), Chapter 20, Code of Iowa (1991)<sup>1</sup> with the Public Employment Relations Board (PERB or Board). The petition seeks to amend employees of the Building Maintenance Department of the City of Grinnell (City) into an existing unit of city employees represented by PPME. The City filed a Statement of Position resisting unit amendment with PERB on April 16, 1992.

A hearing was conducted before me at Des Moines, Iowa on May 15, 1992, where the City was represented by Charles Manly, City Attorney, and Pamela Rupe, City Clerk, and PPME was represented by Joe Rasmussen. Both parties had full opportunity to present testimony and evidence at hearing. Based on the entire record in this case, I make the following Findings of Fact and Conclusions of Law.

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<sup>1</sup>All references to the Code of Iowa will be to the 1991 Code unless otherwise specified.

## FINDINGS OF FACT

At hearing, the parties stipulated that the City is a public employer as defined by Section 20.3(1) of the Act and that PPME is an employee organization as defined by Section 20.3(4) of the Act. There were no challenges to PERB's jurisdiction in this matter.

The Union was originally certified on February 13, 1978 as the exclusive representative of certain employees of the City in PERB Case No. 1125. The Union's certification was subsequently amended to PPME in PERB Case No. 2032. The unit description is as follows:

**INCLUDED:** All regular employees of the City of Grinnell in the following departments: Water, Street, Solid Waste, Waste Water Treatment, Cemetery, and Parks.

**EXCLUDED:** Assistant to City Engineer, Volunteer Fire Chief, Deputy City Clerk, Building Inspector, Director of Parks and Recreation, Assistant Director of Parks and Recreation, Director of Public Works, Parks Supervisor, Waste Water Treatment Plant Supervisor, Solid Waste Collection Supervisor, Cemetery Supervisor, Water Department Supervisor, Street Department Supervisor, all City secretaries, and all supervisory, confidential and other employees excluded by the Act.<sup>2</sup>

The instant petition seeks to add employees of the Building Maintenance Department to the list of those employees included in the unit. Building Maintenance consists of four employees in two job classifications and one Maintenance Supervisor, not being sought for inclusion. Subordinate to the Maintenance Supervisor is an Assistant to Building Maintenance Supervisor and three custodians. One custodian is a full-time employee while all

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<sup>2</sup>Official notice pursuant to Section 17A.14 of the Code of Iowa has been taken of orders of certification of the PPME represented Grinnell bargaining unit. The parties were given opportunity at hearing to object. No objections were offered.

represent the bargaining unit. Since the first criterion has not been met, no election is required.

Finally, it must be noted in the present unit description that the list of excluded employees contains the supervisory department heads of those departments which are included in the unit. Neither party contested the supervisory nature of the Building Maintenance Supervisor. With the conclusion that non-supervisory employees are appropriately included in the bargaining unit, a commensurate amendment to the list of excluded employees to include the Building Maintenance Supervisor is in keeping with the format of the unit description.

For all the foregoing reasons, I hereby issue the following recommended:

#### ORDER

IT IS HEREBY ORDERED that the unit description and the certification of the Public, Professional and Maintenance Employees, IBPAT Local 2003 originally established in PERB Case No. 1125, and subsequently amended in PERB Case No. 2032 is hereby amended as follows:

**INCLUDED:** All regular employees of the City of Grinnell in the following departments: Water, Street, Solid Waste, Waste Water Treatment, Cemetery, Parks, and Building Maintenance.

**EXCLUDED:** Assistant to City Engineer, Volunteer Fire Chief, Deputy City Clerk, Building Inspector, Director of Parks and Recreation, Assistant Director of Parks and Recreation, Director of Public Works, Parks Supervisor, Waste Water Treatment Plant Supervisor, Solid Waste Collection Supervisor, Cemetery Supervisor, Street Department Supervisor, Building Maintenance Supervisor, all City secretaries, and all Supervisors/Confidential, and other employees excluded by the Act.

DATED at Des Moines, Iowa this 5<sup>th</sup> day of June, 1992.

*Charles E. Boldt*

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Charles E. Boldt,  
Administrative Law Judge

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF GRINNELL,  
 PUBLIC EMPLOYER,  
 AND  
 INTERNATIONAL BROTHERHOOD OF PAINTERS &  
 ALLIED TRADES, LOCAL UNION #2003  
 (PUBLIC PROFESSIONAL MAINTENANCE  
 EMPLOYEES/STATE OF IOWA),  
 PETITIONER.

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PUBLIC EMPLOYMENT RELATIONS BOARD

CASE NO. 2032

AMENDMENT OF CERTIFICATION

Upon a petition for amendment of certification duly filed under §13 of the Public Employment Relations Act and Rule 4.6 of the Public Employment Relations Board's Rules and Regulations, the parties waived hearing and filed with the Public Employment Relations Board stipulation of amendment of certification.

Said stipulation having been tentatively approved by the Board and the Board having no objections;

ORDER

IT IS HEREBY ORDERED that the certification of the International Brotherhood of Painters & Allied Trades, Local Union #246 be amended to read International Brotherhood of Painters & Allied Trades, Local Union #2003 (Public Professional Maintenance Employees/State of Iowa).

DONE by the Public Employment Relations Board this 27th day of January, 1982.

  
 JOHN R. LOIHL, BOARD MEMBER

STATE OF IOWA  
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: )  
CITY OF GRINNELL, IOWA, )  
Public Employer )  
and )  
PAINTERS & ALLIED TRADES, LOCAL )  
NO. 246, )  
Petitioner )

CASE NO. 1125

ORDER OF CERTIFICATION

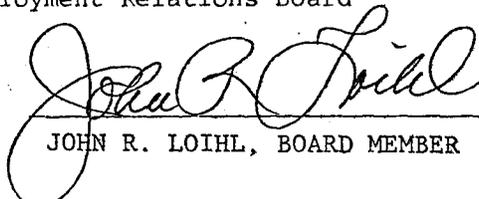
NOW, on this 3rd day of February, 1978, the Board being advised that an election was conducted pursuant to Order of the Board, and that a majority of the ballots were cast for PAINTERS & ALLIED TRADES, LOCAL NO. 246, an employee organization; and the Board being further advised that said employee organization has complied with all requirements of the Act and the rules and regulations thereunder;

IT IS HEREBY ORDERED that PAINTERS & ALLIED TRADES, LOCAL NO. 246 should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of the CITY OF GRINNELL, IOWA, a public employer, in the following bargaining unit:

INCLUDED: All regular employees of the City of Grinnell in the following departments: Water, Street, Solid Waste, Waste Water Treatment, Cemetery and Parks.

EXCLUDED: Assistant to City Engineer, Volunteer Fire Chief, Deputy City Clerk, Building Inspector, Director of Parks and Recreation, Assistant Director of Parks and Recreation, Director of Public Works, Parks Supervisor, Waste Water Treatment Plant Supervisor, Solid Waste Collection Supervisor, Cemetery Supervisor, Water Department Supervisor, Street Department Supervisor, all City Secretaries, and all Supervisory Confidential and other employees excluded by the Act.

DONE by the Public Employment Relations Board

  
JOHN R. LOIHL, BOARD MEMBER